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IBM RP-RPS SAWYER LAW GROUP LLP 2465 E. Bayshore Road, Suite No. 406 PALO ALTO, CA 94303			EXAMINER SINGH, GURKANWALJIT	
			ART UNIT 3624	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/776,492

Applicant(s)

HOBLIT, ROBERT S.

Examiner

Gurkanwaljit Singh

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This final Office action is in response to applicant's communication on January 01, 2009, wherein the original **claims 1-64** are currently pending. No claims have been amended.

Response to Arguments

2. Applicant's arguments filed January 30, 2009 have been fully considered but they are not persuasive.

3. Applicant states that Kaufman fails to disclose "providing each individual list to a different one of a plurality of electronic devices, each electronic device accessible to a different one of the participating users." Examiner respectfully disagrees. Kaufman discloses a number of electronic devices at paragraph 0025 (components, GPS Client Wireless components, etc) and states that the GPS Wireless Components "are informed of To-Do list" (i.e. providing each individual list to the different components). Paragraph 0027 of Kaufman gives a list of the types of wireless components that can be used (personal digital assistant, etc). Paragraphs 0063-0064 of Kaufman state the list being a shopping list and that the list is provided to different users on each of those users' devices. Therefore Kaufman indeed discloses "providing each individual list to a different one of a plurality of electronic devices, each electronic device accessible to a

different one of the participating users" (§¶ 0025-0027, 0063-0064, 0065 [lines 18-21], and 0067).

4. Applicant states that Kaufman fails to disclose "receiving an individual list on an electronic device accessible by a participating user" as recited in Claim 22(a) of the present invention. Examiner respectfully disagrees. Kaufman discloses that "[t]he notification of the list is accomplished...across the internet or a Wireless Network" and that the Wireless Components are informed of the "To-Do" list actions (§¶ 0025 and 0034). Because the devices show what actions to take according to the "To-Do" list, the notification of the list includes the list being received on the electronic devices used in Kaufman (§¶ 0025 and 0034). Additionally, paragraph 0034 of Kaufman shows that each of the Wireless Components operated under that control of a "session manager" where that Session Manager prepares the incoming data (incoming data is received by the Session Manager). Therefore, Kaufman discloses "receiving an individual list on an electronic device accessible by a participating user" (§¶ 0025 [lines 13-16], 0034, and 0042)).

5. For claim 29, Applicant states that there is no disclosure of the users (i.e. Client Wireless Components) having direct contact with each other in Kaufman. Examiner respectfully disagrees. Kaufman discloses allowing communication between shoppers multiple times throughout the reference. For example, in paragraph 0064-0065, Kaufman states that "[w]hen a user picks up an item that fact can be entered into the shopping list database so that the peer or colleague known that the items have been acquired and by whom." This communication is initiated by one user to inform another

user of that first user's actions. Additionally, at paragraph 0065, Kaufman discloses that the system determines if peers are at a specified location and that the location may refer to a telephone number or the equivalent. Hence, by displaying contact information of peers, Kaufman "allow[s] communication between participating shoppers" (as recited in Applicant's claim 29). Therefore, Kaufman discloses allowing communication between shoppers multiple times throughout the reference (¶¶ 0008-0009, 0063, 0065, 0025-0027, and 0044).

6. For claim 3, Applicant states that Kaufman and Marks alone or in combination do not disclose "individual lists." Examiner respectfully disagrees. Kaufman discloses that the shopping lists can be public or private (¶ 0064), where the public list can also be public to a select group of other users (¶ 0064). Marks also discloses individual lists (col. 2, lines 10-35 ["electronic shopping basket being selectively actuatable into a plurality of states...which enables a plurality of users to simultaneously access the shopping basket...assigning the each of the users...distinct abilities...assigning each user to a shopping group...enabling each shopping group to have a plurality of baskets"]). Therefore, both Kaufman and Marks disclose "individual lists."

7. For claim 20, Applicant states Marks does not teach or suggest "individuals lists can be edited by the participating shoppers, and can also be edited by one or more non-shoppers." Examiner respectfully disagrees. Marks discloses that the "shopping basket" is accessible to a plurality of users where each of the users has the ability "to

affect the state of the basket" (col. 2, lines 10-27, col. 2, lines 47-50, and col. 6, line 63 – col. 7, line 31) and where the users can be sellers or buyers (col. 28, lines 32-34).

8. For claim 21, Applicant states that Marks does not teach "at least one or more non-shoppers can access the electronic devices via the Internet." Examiner respectfully disagrees. The "users" stated in Marks are "consumers," "customers," "suppliers," and "reviewers," and "approvers" as stated in column 1 lines 28-65, col. 8, lines 15-34 and also in Fig. 7A. Suppliers, reviewers and approvers are "non-shoppers" and not all consumers are "shoppers." All of the stated "users" are part of the shopping group. Therefore, Marks indeed discloses "at least one or more non-shoppers can access the electronic devices via the Internet" (column 1 lines 28-65, col. 8, lines 15-34 and also in Fig. 7A, Abstract, col. 28, lines 32-34, col. 6, line 63 – col. 7, line 31, col. 1, lines 26-33, and col. 2, line 58 – col. 3, line 4).

9. For claims 31, Applicant states that Marks does not teach "wherein the message to one or more other shoppers is input by the shopper in text form." Examiner respectfully disagrees. Marks discloses this limitation throughout the reference. A message is a communication containing some information ("message." *Dictionary.com Unabridged* (v 1.1). Random House, Inc. 19 May. 2009. <[Dictionary.com http://dictionary.reference.com/browse/message](http://dictionary.reference.com/browse/message)>). Marks discloses sending messages to users/members (which includes multiple shoppers and others) of the shopping group (col. 7, line 61 – col. 8, line 14 ["shopper may verify...send a pay invoice message (which is text as a pay invoice has will have readable text) to the buyer

(who is another "shopper")))). Therefore, Marks does disclose "wherein the message to one or more other shoppers is input by the shopper in text form."

10. For claim 18, Applicant states that Swartz does not disclose "wherein generating the individual lists includes putting entries together on the same individual list" because Swartz does not teach or suggest specific physical placement of items on a list.

Examiner respectfully disagrees. Swartz discloses that its system can determine the last time the customer visited the store and based on the last visit, the "greeting message may include a list of any new items carried by the store since the customer's last visit" (§ 0120). "Including" items on the list is physically placing items on a list.

Also, Swartz discloses a "Shopper Sheet" for the customer where the system can include coupon on the list (an item physically placed) for the customer's use (§ 0121). Therefore, Swartz indeed discloses specific physical placement of items on a list and, consequently, "wherein generating the individual lists includes putting entries together on the same individual list" (§§ 0120-0121)

11. Applicant states that because Kaufman does not teach providing shopping lists to participating shoppers, claims 7, 8, 9, 15, 16, 32, 49, and 17 cannot be rejected.

Examiner respectfully disagrees. As shown above, Kaufmann indeed discloses providing shopping lists to participating shoppers and also discloses this in paragraphs, among others, 0061-0067, 0010 (item list), 0015 (shopping list), 0025, 0044, and 0051-0052. Therefore, the obviousness rejections of claims 7, 8, 9, 15, 16, 32, 49, and 17 are properly based on Kaufman teaching providing shopping lists to participating shoppers.

12. Claim 27 recites substantially the same limitations as claim 7 and is therefore similarly rejected as claim 7.

Claim Objections

13. **Claims 14, 17, 18, 19, 37-38, 48 and 60** are objected to because of the following informalities: Claims 14, 17, 18, 19, 37-38, 48 and 60 are claims which depend from dependant claims but are separated by claims which do not also depend from said dependant claim.

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Appropriate correction/clarification is required.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. **Claims 1-2, 22-23, 28-29, 32-34, 36, 39-40, 51-52, 63-64** are rejected under 35 U.S.C. 102(b) as being anticipated by Kaufman et al. (U.S. 2002/0120703).

16. In reference to **claims 1** Kaufman discloses a method, a system, and a computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users (§§ 0063, and 0087), and implementing steps, comprising:

(a) organizing a plurality of individual lists (§§ 0005 with §§ 0025-0026, 0033-0034, 0044-0046, 0052, and 0063-0065),

each individual list associated with a different participating user and including a plurality of entries (§§ 0010 [colleague item list exists] with 0025, 0044-0046, and 0064-065)

each entry describing an item to be obtained or located by the associated user during the activity (§§ 0025 [lines 7-17 of the paragraph], 0028 [“Tasks of the Client Wireless Component (210) include determining the present location of the current user from GPS data (702) as well as forwarding (704) the location information to the Active Calendar Components (108a to 108z)], 0044-0046, and 0034); and

(b) providing each individual list to a different one of a plurality of electronic devices (§§ 0025-0027, 0063-0064, 0065 [lines 18-21], and 0067),

each electronic device accessible to a different one of the participating users (§§ 0027, 0063-0064, 0065 [lines 1-21], and 0067),

wherein each participating user can access the associated individual list and obtain or locate the items described on that user's individual list during the activity (§§ 0027-0028, 0063-0064, 0065 [lines 1-24], and 0067).

17. In reference to **claims 2**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein the activity is a shopping activity to obtain items in one or more shopping areas, and the participating users are participating shoppers (§§ 0061-0065).

18. In reference to **claims 22**, Kaufman discloses a method, a system, and a computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users (§§ 0063, and 0087), and implementing steps comprising:

- (a) receiving an individual list on an electronic device accessible by a participating user (§§ 0025 [lines 13-16], 0034, and 0042),
the individual list including at least one entry (§ 0034 [entries]),
each entry describing an associated item to be obtained or located by the participating user during the activity (§§ 0065, 0019, 0010, and 0056); and
- (b) sending out updates and changes to the individual list during the activity over a communication link (§§ 0046, 0046, and 0065 [lines 19-44]),

wherein at least one other electronic device accessible to another one of the participating users can receive the sent updates and changes (¶¶ 0065, and 0046-0060).

19. In reference to **claim 23**, it recites substantially the same limitations as in claim 2 and is rejected using the same art and rationale described above.

20. In reference to **claims 28**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, further comprising communicating messages between the electronic device and other electronic devices to allow communication between the participating shoppers during the shopping activity (¶¶ 0025-0027, 0044, 0065 [lines 32-44], and 0067).

21. In reference to **claims 29**, Kaufman discloses a method for coordinating the shopping activity of a plurality of participating shoppers, the method comprising:

(a) providing a plurality of portable electronic devices, each electronic device accessible to a different one of the participating shoppers (¶¶ 0008-0009, 0025 with 0064-0067); and

(b) facilitating the shopping activity of the participating shoppers in a shopping area via the electronic devices by allowing communication between participating shoppers (¶¶ 0025, 0044, and 0064-0065) and

allowing each shopper to locate at least one other shopper in the shopping area during the shopping activity (¶¶ 0008-0009, 0063, 0065, 0025-0027, and 0044).

22. In reference to **claims 33**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, further comprising sensing the location of the participating shoppers using a sensor system and providing each electronic device with information allowing each participating shopper to monitor the locations of at least one other shopper in a shopping area (¶¶ 0008-0009, 0065 [lines 7-18]), 0025, 0044, and 0046).

23. In reference to **claims 34**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, further comprising:

generating a plurality of individual lists, each individual list associated with a different participating shopper and including entries describing items to be obtained by the associated shopper while shopping (¶¶ 0005, 0025-0026, 0033-0034, 0044-0046, 0052, and 0063-0065); and

providing each individual list to a different one of a plurality of electronic devices, each electronic device accessible to a different one of the participating shoppers, wherein each participating shopper can view the associated individual

list in order to obtain the items described on that shopper's individual list during the shopping activity (§§ 0025-0026, 0033-0034, 0044-0046, 0052, and 0063-0065).

24. In reference to **claims 36**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein, during the shopping activity, a shopper can designate an entry on that shopper's individual list to indicate that the associated item has been or is being obtained, wherein the designated entry is communicated to the other electronic devices of the other shoppers (§§ 0065 [lines 18-21 and lines 32-44], 0027, and 0034-0044).
25. In reference to **claims 39-40**, claims 39-40 recite substantially similar limitations to claims 1-2 respectively and are therefore rejected using the same art and rationale set forth above.
26. In reference to **claims 51-52**, claims 51-52 recite substantially similar limitations to claims 1-2 respectively and are therefore rejected using the same art and rationale set forth above.
27. In reference to **claims 63-64**, claims 63-64 recite substantially similar limitations to claim 22 and are therefore rejected using the same art and rationale set forth above.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. **Claims 3-6, 10-14, 19-21, 24-26, 30-31, 35, 37-38, 41-44, 46-48, 53-56, 58-60 and 62** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman et al. (U.S. 2002/0120703) as applied to claims 1-2, 22-23, 28-36, 39-40, and 51-52 above, and further in view of Marks, (U.S. 6,876,977).

30. In reference to **claim 3**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above. However, Kaufman does not explicitly disclose wherein the entries are assigned to the individual lists so as to achieve an approximately equal shopping time for each participating shopper.

Marks discloses wherein the entries are assigned to the individual lists so as to achieve an approximately equal shopping time for each participating shopper (col. 2, lines 35-54 [where the shoppers are given "equal" shopping time before the cart is purged]).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration system of Kaufman wherein the entries are assigned to the individual lists so as to achieve an approximately equal shopping time for each participating shopper as taught by Marks since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

31. In reference to **claim 4**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein each individual list is generated from a master list that includes entries describing all the items desired to be obtained, wherein the entries of the master list are divided between the individual lists (¶¶ 0064-0065 [where the "To Do List," which can be accessible by one user and the list is public to a select group of people, is a master list containing all the items desired to be obtained by all the users in the "select group of users"]).

32. In reference to **claim 5**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, further comprising facilitating communication between participating shoppers via the electronic devices during the shopping activity (¶¶ 0044, 0064, and 0065 [lines 7-21 of the paragraph]).

33. In reference to **claim 6**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein during the shopping activity, a shopper can designate an entry on that shopper's individual list to indicate that the associated item has been or is being obtained (§§ 0065 [lines 32-35]), wherein the designated entry and its designated status are communicated to the other electronic devices of the other shoppers (§§ 0065 [lines 18-21 and lines 32-44], 0027, and 0034-0044).

34. In reference to **claim 10**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein a shopper can view the master list from that shopper's electronic device (§§ 0064, 0065 [especially lines 7-12 and lines 32-44], 0066, and 0070 [lines 7-12]).

35. In reference to **claim 11**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein a shopper can designate an entry on the master list to indicate that the item associated with the marked entry has been obtained, wherein the designated entry is communicated to the other electronic

devices of the other shoppers and is designated as having been obtained on the individual list including the same entry as the marked entry (§ 0065 [lines 32-44]).

36. In reference to **claim 12**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein a shopper may add an entry to that shopper's individual list, wherein the added entry is communicated and visible to at least one other electronic device of a participating shopper (§ 0065 [lines 32-44]).

37. In reference to **claim 13**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein the added entry is not communicated and not visible to the other electronic devices of the other participating shoppers (§ 0065 [lines 32-44 discloses a user adding entries into the system which can be seen by other users], and § 0067 [further discloses that "the users can determine...that...colleagues have access to some information but not other information thus protecting privacy and confidentiality"]).

38. In reference to **claim 14**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein the facilitation of

communication between shoppers includes allowing a shopper to input a message to that shopper's electronic device and transmitting the message to one or more electronic devices (§ 0065 [lines 32-44], and § 0067), and Kaufman further discloses that the electronic devices can be a portable, location aware, connected device (§§ 0065 [line 20], 0025, and 0035-0048). However, Kaufman does not explicitly disclose that the messages which are transmitted are to one or more electronic devices of the other shoppers.

Examiner hereby takes official notice that it was well known to those of ordinary skill, at the time of the invention, for a user to transmit messages from the electronic device of that user to the electronic device of another user. For example, it is common to send text message from one cell phone to another user's cell phone, or to send email from one PDA where another user can check the sent email in his/her PDA.

Therefore, It would have been obvious to one of ordinary skill in the art to modify the shopping system of Kaufman to include a shopper transmitting messages to one or more electronic devices of the other shoppers, because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately. Furthermore one of ordinary skill in the art would have recognized that the results of the combination were predictable, therefore the combination has been deemed obvious.

39. In reference to **claim 19**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of

participating users, and implementing steps above, further comprising sensing the location of the participating shoppers using a sensor system and providing each electronic device with information allowing each participating shopper to monitor the locations of at least one other shopper in a shopping area (§§ 0008-0009, 0065 [lines 7-18]), 0025, 0044, and 0046).

40. In reference to **claim 20**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein the individual lists can be edited by the participating shoppers (§ 0042, and 0065 [lines 32-44]). However, Kaufman does not explicitly disclose that the lists can also be edited by one or more non-shoppers.

Marks discloses that the shopping lists can also be edited by one or more non-shoppers (col. 28, lines 32-34; col. 6, line 63 – col. 7, line 31; and col. 2, lines 40-57).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to have included in the collaboration shopping system of Kaufman that the shopping lists can also be edited by one or more non-shoppers, with the motivation to allow members of a shopping group to assist each other (Kaufman: § 0067) as taught by Marks over that of Kaufman.

41. In reference to **claim 21**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of

participating users, and implementing steps above, wherein the users can access the electronic devices of the participating shoppers via the internet (¶¶ 0025, 0036, and 0040). However, Kaufman does not explicitly disclose that one or more non-shoppers can access the electronic devices of the participating shoppers via the internet.

Marks discloses that one or more non-shoppers can access the electronic devices of the participating shoppers via the internet (Abstract, col. 28, lines 32-34, col. 6, line 63 – col. 7, line 31, col. 1, lines 26-33, and col. 2, line 58 – col. 3, line 4).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman that one or more non-shoppers can access the electronic devices of the participating shoppers via the internet as taught by Marks since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

42. In reference to **claims 24 and 25**, they recite substantially similar limitations to claim 6 and are therefore rejected using the same art and rationale set forth above.

43. In reference to **claim 30**, it recites substantially similar limitations to claim 28 and are therefore rejected using the same art and rationale set forth above.

44. In reference to **claim 31**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein the message to one or

more other shoppers is input by the shopper into the communications system (§ 0065 [lines 32-44]). However, Kaufman does not explicitly disclose that the message is in text form.

Marks discloses that messages inputted can be in text form (col. 22, lines 5-7).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman that the messages inputted by the shopper are in text form as taught by Marks since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

45. In reference to **claims 35**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein each individual list is generated from a master list that includes entries describing all the items desired to be obtained, wherein the entries of the master list are divided between the individual lists (§§ 0064-0065 [where the "To Do List," which can be accessible by one user and the list is public to a select group of people, is a master list containing all the items desired to be obtained by all the users in the "select group of users"]]). However, Kaufman does not explicitly disclose wherein the division of the master list is done so as to achieve an approximately equal shopping time for each participating shopper.

Marks discloses wherein the division of the master list is done so as to achieve an approximately equal shopping time for each participating shopper (col. 2, lines 35-54 [where the shoppers are given "equal" shopping time before the cart is purged]).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration system of Kaufman wherein the entries are assigned to the individual lists so as to achieve an approximately equal shopping time for each participating shopper as taught by Marks since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

46. In reference to **claims 37-38**, they recite substantially similar limitations to claims 20-21 respectively and are therefore rejected using the same art and rationale set forth above.

47. In reference to **claims 41-44**, they recite substantially similar limitations to claims 3-6 respectively and are therefore rejected using the same art and rationale set forth above.

48. In reference to **claims 46-48**, they recite substantially similar limitations to claims 11-12, and 14 respectively and are therefore rejected using the same art and rationale set forth above.

49. In reference to **claims 53-56**, they recite substantially similar limitations to claims 3-6 respectively and are therefore rejected using the same art and rationale set forth above.

50. In reference to **claims 58-60 and 62**, they recite substantially similar limitations to claims 11-12, 14, and 19 respectively and are therefore rejected using the same art and rationale set forth above.

51. **Claims 7-9, 45, and 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman et al. (U.S. 2002/0120703) in view of Marks, (U.S. 6,876,977), and further in view of Chow, (U.S. 6,304,866).

52. In reference to **claim 7**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above. However, Kaufman does not explicitly disclose wherein, during the shopping activity, if one shopper obtains items faster than at least one other shopper, the individual lists are rebalanced to move entries from at least one individual list to at least one other individual list to approximately equalize shopping time between all participating shoppers.

Chow discloses wherein, during the shopping activity, if one shopper obtains items faster than at least one other shopper, the individual lists are rebalanced to move entries from at least one individual list to at least one other individual list to approximately equalize shopping time between all participating shoppers (col. 5, lines 13-21 with col. 7, lines 28-48).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman wherein, during the shopping activity, if one shopper obtains items faster than at least one other shopper, the individual lists are

rebalanced to move entries from at least one individual list to at least one other individual list to approximately equalize shopping time between all participating shoppers, with the motivation to ultimately save time shopping (Kaufman: ¶ 0079) as taught by Chow over that of Kaufman.

53. In reference to **claim 8**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein the system runs in loops through the individual lists after a shopper has designated all items on that shopper's individual list as obtained (¶ 0065 [lines 7-25 where the system runs in loops constantly checking for the last list and then the last item on the last list]). However, Kaufman does not explicitly disclose the rebalancing.

Chow discloses the rebalancing (col. 5, lines 13-21 with col. 7, lines 28-48).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman the rebalancing, with the motivation to ultimately save time shopping (Kaufman: ¶ 0079) and equalize the shopping time (Chow: col. 5, lines 13-21 with col. 7, lines 28-48) as taught by Chow over that of Kaufman.

54. In reference to **claim 9**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein each individual list includes

entries that are provided in a particular order such that when a shopper obtains the last item described on that shopper's individual list, the shopper is located close to items on a different shopper's list within a shopping area, thereby promoting efficient rebalancing of the individual lists (§ 0065, and Fig. 4).

55. In reference to **claims 45 and 57**, claims 45 and 57 recite substantially similar limitations to claim 7 and are therefore rejected using the same art and rationale set forth above.

56. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman et al. (U.S. 2002/0120703) in view of Marks, (U.S. 6,876,977), and further in view of Forbes, (U.S. 2002/0079690).

In reference to **claim 15**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above, wherein the entries of the master list are divided between the individual lists (§§ 0064-0065 [where the "To Do List," which can be accessible by one user and the list is public to a select group of people, is a master list containing all the items desired to be obtained by all the users in the "select group of users"]), and Marks discloses wherein the entries are assigned to the individual lists so as to achieve an approximately equal shopping time for each participating shopper (col. 2, lines 35-54 [where the shoppers are given "equal" shopping time before the cart in purged]). However, neither Kaufman nor Marks explicitly disclose wherein

the individual lists are generated by dividing the items into categories and dividing the categories between individual lists.

Forbes discloses wherein the individual lists are generated by dividing the items into categories and dividing the categories between individual lists (§ 0022).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman in view of Marks wherein the individual lists are generated by dividing the items into categories and dividing the categories between individual lists, with the motivation to ultimately save time shopping (Kaufman: § 0079), as taught by Forbes over that of Kaufman in view of Marks.

57. **Claims 16, 18, 32, 49, 50 and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman et al. (U.S. 2002/0120703) in view of Marks, (U.S. 6,876,977), and further in view of Swartz, (U.S. 2003/0132298).

58. In reference to **claim 16**, neither Kaufman nor Marks explicitly disclose wherein the items on the master list are weighted so as to evenly divide the shopping time between shoppers when some of the items may take longer to obtain than other items.

Swartz discloses wherein the items on the master list are weighted so as to evenly divide the shopping time between shoppers when some of the items may take longer to obtain than other items (§§ 0239 and 0120).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman in view of Marks wherein the items on the master list are weighted so as to evenly divide the shopping time between shoppers when some of the items may take longer to obtain than other items, with the motivation

to ultimately save time shopping (Kaufman: ¶ 0079), as taught by Swartz over that of Kaufman in view of Marks.

59. In reference to **claim 18**, neither Kaufman nor Marks explicitly disclose wherein generating the individual lists includes putting entries for items that are physically located close together on the same individual list.

Swartz discloses wherein generating the individual lists includes putting entries for items that are physically located close together on the same individual list (¶ 0120 ["The system may also be able to sort the customer's electronic shopping list...[t]he sorting could be done according to the layout of the store or desired categories"], and ¶ 0121 ["The list could be arranged by item location, in order of past customer shopping patterns or by category"]).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman in view of Marks wherein generating the individual lists includes putting entries for items that are physically located close together on the same individual list, with the motivation to ultimately save time shopping (Kaufman: ¶ 0079), as taught by Swartz over that of Kaufman in view of Marks.

60. In reference to **claim 32**, neither Kaufman nor Marks explicitly disclose wherein the message to one or more other shoppers is input by the shopper in voice form.

Swartz discloses wherein the message to one or more other shoppers is input by the shopper in voice form (¶ 0048).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman in view of Marks wherein the message to

one or more other shoppers is input by the shopper in voice form, as taught by Swartz since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

61. In reference to **claim 50**, claim 50 recites substantially similar limitations to claim 18 and is therefore rejected using the same art and rationale set forth above.

62. **Claims 49 and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman et al. (U.S. 2002/0120703) in view of Marks, (U.S. 6,876,977), further in view of Forbes, (U.S. 2002/0079690), and further in view of Swartz, (U.S. 2003/0132298).

63. In reference to **claim 49**, neither Kaufman nor Marks explicitly disclose wherein the individual lists are generated by dividing the items into categories and dividing the categories between individual lists, wherein the categories of items are weighted so as to evenly divide the shopping time between shoppers when different numbers of items are in different categories.

Forbes discloses wherein the individual lists are generated by dividing the items into categories and dividing the categories between individual lists (§ 0022).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman in view of Marks wherein the individual lists are generated by dividing the items into categories and dividing the categories between

individual lists, with the motivation to ultimately save time shopping (Kaufman: ¶ 0079), as taught by Forbes over that of Kaufman in view of Marks.

However, neither Kaufman, Marks, or Forbes explicitly disclose wherein the categories of items are weighted so as to evenly divide the shopping time between shoppers when different numbers of items are in different categories.

Swartz discloses wherein the categories of items are weighted so as to evenly divide the shopping time between shoppers when different numbers of items are in different categories (¶¶ 0239 and 0120).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman in view of Marks further in view of Forbes wherein the categories of items are weighted so as to evenly divide the shopping time between shoppers when different numbers of items are in different categories, as taught by Swartz since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

64. In reference to **claim 61**, claim 61 recites substantially similar limitations to claim 49 and is therefore rejected using the same art and rationale set forth above.

65. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman et al. (U.S. 2002/0120703) as applied to claims 1-2 above, further in view of Gabos et al., (U.S. 2001/0032130).

In reference to **claim 17**, Kaufman discloses the method, the system, and the computer readable medium including program instructions to be implemented by a computer, the program instructions, for coordinating the activity of a plurality of participating users, and implementing steps above. However, Kaufman does not explicitly disclose wherein a shopping history of one or more of the participating shoppers is taken into account so as to evenly divide the shopping time between shoppers when organizing the individual lists.

Gabos discloses wherein a shopping history of one or more of the participating shoppers is taken into account so as to evenly divide the shopping time between shoppers when organizing the individual lists (¶¶ 0003, 0006, 0012, and 0063).

Therefore, it would be obvious to one of ordinary skill in the art to include in the collaboration shopping system of Kaufman wherein a shopping history of one or more of the participating shoppers is taken into account so as to evenly divide the shopping time between shoppers when organizing the individual lists, as taught by Gabos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

66. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman et al. (U.S. 2002/0120703) as applied to claims 22 and 23 above, and further in view of Chow, (U.S. 6,304,866).

In reference to **claim 27**, claim 27 recites substantially similar limitations to claim 7 and is therefore rejected using the same art and rationale set forth above.

Conclusion

67. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gurkanwaljit Singh whose telephone number is (571)270-5392. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571)272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. S./
Examiner, Art Unit 3624
May 19, 2009

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624